

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

IN RE: : CASE NO. 20-10867

MICHELLE M. BASHAM fka APPEL : CHAPTER 13

DEBTOR : JUDGE BUCHANAN

Michelle M. Basham fka Appel : ADV. NO.:
c/o Minnillo Law Group Co., LPA : **COMPLAINT TO DETERMINE**
2712 Observatory Avenue : **DISCHARGEABILITY OF STUDENT**
Cincinnati, Ohio 45208 : **LOANS**

Plaintiff :
vs. :
Ascendum Education Solutions, Inc. :
c/o Navient Solutions, LLC :
PO BOX 8961 :
Madison, WI 53708 :
and :
United States Department of Education :
400 Maryland Avenue, SW :
Washington, D.C. 20202 :
Defendants. :
:

Now comes the Plaintiff, Michelle M. Basham, formerly known as Michelle M. Appel ("Plaintiff"), by and through counsel, and hereby states as follows:

1. Plaintiff filed a Chapter 13 Petition in Bankruptcy on March 17, 2020 under Case No. 1:20-bk-10867 in the United States Bankruptcy Court, Southern District of Ohio, Western Division in Cincinnati (the "Main Case"). The Plaintiff's Chapter 13 Plan was confirmed in the Main Case on or about November 10, 2020.

2. This Complaint seeks to determine the dischargeability of Plaintiff's federal student loan debts to Defendants pursuant to 11 U.S.C. §523(a)(8). This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §157, 1334, and 11 U.S.C. §523. This is a core proceeding under 28 U.S.C. §157(b)(2)(I).

3. Each and every Defendant and/or its respective predecessors, successors, or assigns, upon information and belief, provided the Plaintiff with student loans which, upon information and belief, are guaranteed by a governmental unit under 11 U.S.C. §523(a)(8). The approximate combined balance owed to the Defendants for the Plaintiff's student loans is \$8,769.81, as represented by court claims 1 and 2 which were filed in the Main Case, but the total is believed to be higher than the claims filed.

4. The Plaintiff is currently funding her chapter 13 plan payments, having made almost all of her payments under the plan. Upon completion of her plan in March, 2023, the Plaintiff will have paid approximately \$1,140.07 toward her student loans. These payments are in addition to other payments the Plaintiff has made during the course of the repayment of her student loans.

5. Excepting these student loans from discharge will impose an undue hardship on the Plaintiff because the Plaintiff cannot maintain a minimal standard of living for herself and those dependent upon her if forced to repay the loans; that such a state of affairs will persist for a significant portion of the repayment period of the student loans; and the Plaintiff has made good faith efforts to repay the loans.

6. The Plaintiff is a 48-year-old medical assistant for a local health care provider. The Plaintiff has one dependent child who requires her support. Plaintiff's income is below the median income for a household of her size and it is unlikely to increase to a significant extent to repay the student loans in full in the foreseeable future. The Plaintiff has made good faith efforts to pay her student loans in the past, both within the Main Case, through a prior chapter 13 proceeding, and otherwise.

WHEREFORE, the Plaintiff requests an Order from this Court declaring the student loan debts owed to the Defendants to be dischargeable pursuant to 11 U.S.C. §523(a)(8), and for any further relief which this Court deems just and equitable.

Respectfully submitted,

/s/ Paul J. Minnillo
Paul J. Minnillo, Esq. (OH-0065744)
MINNILLO LAW GROUP CO., LPA
2712 Observatory Avenue
Cincinnati, Ohio 45208
(513)723-1600 /(513)723-1620 (Fax)
pjm@mlg-lpa.com
Attorney for Plaintiff